

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 3/25/2024
--

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WENDELL BELLE,

Movant,

-against-

UNITED STATES OF AMERICA,

Respondent.

23-CV-9697 (VEC)

15-CR-0537-3 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS Mr. Belle filed a Motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 on October 26, 2023 (“2255 Petition”), *see* Dkt. 1852;

WHEREAS the Court ordered that the 2255 Petition should not be summarily dismissed and ordered the Government to respond within 60 days, *see* Dkt. 1853;

WHEREAS the Government filed its response on January 3, 2024, requesting that the Court’s consideration of the 2255 Petition be stayed, *see* Dkt. 1859;

WHEREAS the Court stayed Mr. Belle’s 2255 Petition, *see* Dkt. 1860;

WHEREAS on January 31, 2024, the Court ordered Mr. Belle to file a motion to recall the Mandate issued by the Second Circuit on September 9, 2022 (the “Mandate”), consistent with the procedures set forth in *Taylor v. United States*, 822 F.3d 84 (2d Cir. 2016) by no later than March 8, 2024, *see* Dkt. 1864; and

WHEREAS to date, Mr. Belle has failed to file a motion to recall the Mandate in the U.S. Court of Appeals for the Second Circuit.

IT IS HEREBY ORDERED that if Mr. Belle fails to file a motion to recall the Mandate in the U.S. Court of Appeals for the Second Circuit by June 28, 2024, his 2255 Petition will be dismissed.


IT IS FURTHER ORDERED that if Mr. Belle’s motion to recall the Mandate is granted and his petition for rehearing and/or certiorari is unsuccessful, he will need to file a new Motion pursuant to 28

U.S.C. § 2255. If his motion to recall the Mandate is denied, the Court will lift the stay on his 2255 Petition.

The Clerk of Court is directed to mail a copy of this order to Mr. Belle.

SO ORDERED.

Dated: March 25, 2024
New York, New York



VALERIE CAPRONI
United States District Judge